

A091 (Rev. 8/01) Criminal Complaint

U.S. District Court
Southern District of Texas
FILEDUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

MAY 23 2015

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Marcus Drew Gilbert
& Stephanie Ann ANDERSON

Case Number: C-15-643M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 5/22/2015 In Brooks County, in the

Southern District of Texas defendant(s), Marcus Drew GILBERT & Stephanie Ann ANDERSON

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent Mario Rosas

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Mario Rosas
Signature of Complainant

Mario Rosas
Printed Name of Complainant

Submitted by reliable electronic means, sworn to, signature attested electronically per Fed.R.Crim.P.4.1, and probable cause

May 23, 2015

Date

B. Janice Ellington, U.S. Magistrate Judge

Name and Title of Judicial Officer

at Corpus Christi, Texas
City and State

[Signature]
Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

PROBABLE CAUSE/FACTS

On May 22, 2015, GILBERT, Marcus Drew and ANDERSON, Stephanie Ann were apprehended at the United States Border Patrol Checkpoint south of Falfurrias, Texas in a 2 on 2 Alien Smuggling Case. A silver 2014 Hyundai Elantra was seized.

On May 22, 2015, Border Patrol Agent (BPA) Eliodoro Coy III was assigned traffic checkpoint duties at the United States Border Patrol Checkpoint located 13 miles south of Falfurrias, Texas.

At approximately 0755hrs, a silver 2014 Hyundai Elantra displaying Texas license plates (DBB9258) stopped at the primary inspection lane for an immigration inspection of its occupants. BPA Coy asked the driver, later identified as Marcus Drew GILBERT, if he was a United States citizen to which he responded, "Yes ". BPA Coy asked the front seat passenger, later identified as Stephanie Ann ANDERSON if she was a United States citizen to which she responded, "Yes". BPA Coy noticed during his immigration inspection that the passenger did not make eye contact and was moving from side to side. BPA Coy asked GILBERT where he was headed; he responded "I'm heading to Houston (Texas) because I had problems with my tractor trailer". BPA Coy asked GILBERT who was the owner of the vehicle. GILBERT stated it was a rental. When GILBERT handed BPA Coy his driver's license, he noticed GILBERT's jaw shaking. BPA Coy also noticed that ANDERSON was attempting to light a cigarette while he conducted his immigration inspection. Due to the occupants' nervous behavior, BPA Coy asked GILBERT for consent to search the trunk of the vehicle. GILBERT gave consent and opened the trunk from the inside of the vehicle. After GILBERT opened the trunk, BPA Coy observed two subjects inside the trunk. BPA Coy instructed the driver and the front seat passenger to exit the vehicle. The vehicle was then driven to the secondary inspection area by Border Patrol Agents.

Once in secondary, Border Patrol Agents identified the subjects in the trunk as PAREDES-RAMIREZ, Roy Martin, and PEREZ-LUIS, Concepciona. They freely admitted to being citizens and nationals of Mexico without any legal documentation to be or reside in the United States legally. At that point, all subjects were placed under arrest and escorted inside the checkpoint for processing.

MIRANDA WARNING:

Once inside the checkpoint, the driver, GILBERT, was read his rights in the English language as per form I-214 at approximately 0800hrs. BPA Coy read the front seat passenger, ANDERSON her rights in the English language as per form I-214 at approximately 0810hrs. BPA Coy read PAREDES-RAMIREZ, Roy Martin, his Miranda Rights as per Service Form I-214 in his preferred language Spanish at approximately 0900hrs. BPA Coy read PEREZ-LUIS, Concepciona, her Miranda Rights as per Service Form I-214 in her preferred language Spanish at approximately 0920hrs. BPA Martinez witnessed signing of the forms.

All of the subjects stated that they understood their rights and signed the forms accordingly.

PRINCIPAL STATEMENT:

After explaining why he was arrested and read his rights, GILBERT was asked if he wished to make a statement. GILBERT stated that he had no knowledge of the illegal subjects inside the trunk. GILBERT invoked his right to an attorney and no further questions were asked.

CO-PRINCIPAL STATEMENT:

After explaining why she was arrested and read her rights, ANDERSON was asked if she wished to make a statement. ANDERSON claimed she had no knowledge of the illegal subjects. ANDERSON stated she did not receive any money for the smuggling attempt.

MATERIAL WITNESS STATEMENTS:

PAREDES-RAMIREZ, Roy Martin, stated the driver, GILBERT, made an arrangement with him and his wife (PEREZ-LUIS) to attempt to smuggle them. PAREDES-RAMIREZ was going to pay GILBERT \$3000.00 US dollars. PAREDES stated he met GILBERT and the female passenger (ANDERSON) at a gasoline station near McAllen, Texas. GILBERT told them to get inside the trunk of the vehicle. BPA Coy asked PAREDES-RAMIREZ if he feared for his life. PAREDES-RAMIREZ stated he did because there was no food or water provided and it was difficult to breathe inside the trunk.

PEREZ-LUIS, Conseciona, stated she was also instructed by GILBERT to get inside the trunk of the vehicle. PEREZ-LUIS stated GILBERT had knowledge that she was pregnant, and did not provide water or food.

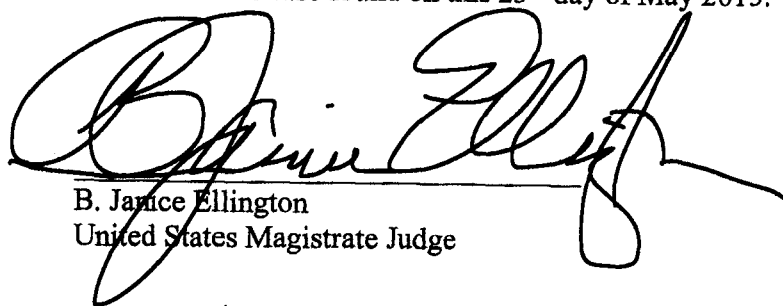
NOTE: Both illegal subjects identified the driver and the female passenger of the vehicle in a photo lineup.

Both principals were transported to LCS pending their appearance before Magistrate Court for violation of 8 USC 1324.

The facts of this case were presented to AUSA Hugo Martinez who accepted Marcus Drew GILBERT and Stephanie Ann Anderson for prosecution of 8 USC 1324, Alien Smuggling. Roy Martin PAREDES-RAMIREZ and Concepciona PEREZ-LUIS were held as material witnesses in this case.


Mario Rosas Border Patrol Agent

Submitted by reliable electronic means, sworn to and signature attested telephonically per Fed.R.Crim.P. 4.1, and Probable Cause found on this 23rd day of May 2015.


B. Janice Ellington
United States Magistrate Judge